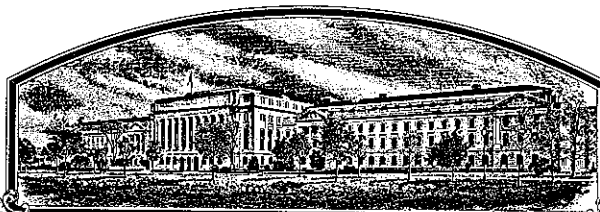


No.

8200187



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Lofts Seed Inc.**

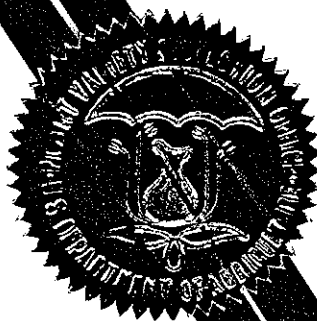
Whereas, THERE HAS BEEN PRESENTED TO THE  
**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXPOSE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (7 U.S.C. 2321 ET SEQ.)

KENTUCKY BLUEGRASS

'Georgetown'



In Testimony Whereof, I have hereunto set  
my hand and caused the seal of the Plant  
Variety Protection Office to be affixed  
at the City of Washington  
this 21st day of July in  
the year of our Lord one thousand nine  
hundred and eighty-three.

Attest:

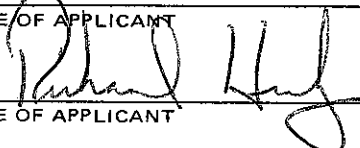
*Kenneth H. Evans*  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*John R. Block*  
Secretary of Agriculture

# APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1. NAME OF APPLICANT(S) Lofts Seed Inc.		2. TEMPORARY DESIGNATION RI Ppl		3. VARIETY NAME Georgetown	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) Chimney Rock Road, P.O.Box 146 Bound Brook, NJ 08805		5. PHONE (Include area code) 201-560-1590		FOR OFFICIAL USE ONLY PVPO NUMBER 8200187	
6. GENUS AND SPECIES NAME <u>Poa pratensis</u>		7. FAMILY NAME (Botanical) Gramineae		FILING DATE 9/27/82 TIME 3:00 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	
8. KIND NAME Kentucky Bluegrass		9. DATE OF DETERMINATION 1962		FEES RECEIVED AMOUNT FOR FILING \$ 500.00 DATE 9/27/82 AMOUNT FOR CERTIFICATE \$ 250.00 DATE 6/3/83	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation				11. IF INCORPORATED, GIVE STATE OF INCORPORATION New Jersey	
				12. DATE OF INCORPORATION 11/10/48	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Mr. Richard Hurley, Lofts Seed Inc. P.O. Box 146, Bound Brook, NJ 08805					
14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED					
a. <input checked="" type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.) b. <input checked="" type="checkbox"/> Exhibit B, Novelty Statement c. <input type="checkbox"/> Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.) d. <input checked="" type="checkbox"/> Exhibit D, Additional Description of the Variety					
15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act.) <input type="checkbox"/> Yes (If "Yes," answer items 16 and 17 below) <input checked="" type="checkbox"/> No					
16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input checked="" type="checkbox"/> Foundation <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified			
18. DID THE APPLICANT(S) FILE FOR PROTECTION OF THE VARIETY IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input checked="" type="checkbox"/> No					
19. HAVE RIGHTS BEEN GRANTED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input checked="" type="checkbox"/> No					
20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable. The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF APPLICANT 				DATE 9/24/82	
SIGNATURE OF APPLICANT				DATE	

## INSTRUCTIONS

**General:** Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Department of Agriculture, Agricultural Marketing Service, Livestock, Meat, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

### Item

- 9 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 14a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 14b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 14c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 14d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 15 If "Yes" is specified (*seed of this variety be sold by variety name only as a class of certified seed*) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "No," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 16 See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

EXHIBIT AORIGIN AND BREEDING HISTORY OF GEORGETOWN KENTUCKY BLUEGRASS

The original clone of Georgetown Kentucky Bluegrass was discovered in a farmyard in Rickreall, Oregon in 1959 by F. B. Ledebor. The clone was maintained as a vegetative plot until 1964. Two generations of seed were produced in Western Oregon from spaced-plants of the original selection.

In 1964, seed was transferred to the University of Rhode Island Agricultural Experiment Station and entered into the URI turf trials as R.I.Pp-1. Seed was produced in 1968 at URI and R.I.Pp-1 was included in the NE-57 Regional Kentucky Bluegrass Trials.

In 1972 a breeder block of approximately 500 spaced-plants was established, from seed produced in Western Oregon, at Virginia Polytechnical Institute and State University in Blacksburg, VA under the direction of Dr. Lincoln Taylor.

Seed produced from the Virginia breeder block was used to establish a breeder block in Tilma, Idaho, under the direction of Dr. Ron Ensign. In 1976, Dr. Ledebor selected approximately 200 plants and transferred them in bags tagged by the Idaho Seed Certification officials to Lofts' Oak Knoll Farm in Albany, Oregon. The bags were opened in the presence of Mr. Don Brewer, Oregon Seed Certification official, and were used to establish a breeder block. Prior to anthesis, the plants were rogued to uniformity. Breeder seed produced at Oak Knoll was used to plant a breeder nursery in Post Falls, Idaho. After careful roguing of the

spaced-plants by F. B. Ledebor, all plants were judged to be identical to the original R.I.Pp-1 cultivar. This planting served as the breeder block from which foundation fields would be planted.

A foundation field was established in May 1981. First sale of certified seed for Georgetown occurred in August of 1982.

Georgetown is a highly apomictic variety with over 90% of progeny plants being indistinguishable from maternal plants. All aberrant plants, which usually are smaller and weaker than the maternal plants, were rogued from breeder and foundation fields to insure uniformity and stability.

EXHIBIT BSTATEMENT OF NOVELTY OF GEORGETOWN KENTUCKY BLUEGRASS

Georgetown can be distinguished from all other cultivars by the combination of spaced-plant and turf characteristics shown in Tables 1-14.

Georgetown most closely resembles Trenton. They differ in the following characteristics:

1. Georgetown has a longer panicle length (110mm) compared to Trenton (92mm) (Table 1).
2. Georgetown has hair on the leaf sheath, where Trenton does not (Table 2).
3. Georgetown has hair on the margin of the leaf sheath, where Trenton does not (Table 3).

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, MEAT, GRAIN, & SEED DIVISION  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MARYLAND 20705

EXHIBIT C  
(Bluegrass)

OBJECTIVE DESCRIPTION OF VARIETY  
BLUEGRASS (*Poa* spp.)

NAME OF APPLICANT(S) Lofts Seed Inc.	TEMPORARY DESIGNATION RI Ppl	VARIETY NAME Georgetown
ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) Chimney Rock Road P. O. Box 146 Bound Brook, NJ 08805		OFFICIAL USE ONLY PVPO NUMBER 8200187

Select the number which characterizes the variety in the features described below. For measured characteristics use leading zeros as necessary in order to fill all blanks (e.g., 09, 081). Those characteristics marked with a star \* are preferred to be recorded. Any others should be recorded to help establish novelty or uniqueness. Characteristics described, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors; designate system used: as indicated on tables. Describe location of test area, conditions, and number of plants used: \_\_\_\_\_

## 1. SPECIES:

<input type="text" value="2"/>	1 = <i>Poa compressa</i>	2 = <i>P. pratensis</i>	3 = <i>P. trivialis</i>	4 = Others (Specify) _____
<input type="text" value="2"/>	Chromosome number			

## 2. ADAPTATION: (0 = Not tested, 1 = Not adapted, 2 = Adapted, 3 = Well adapted)

<input type="text" value="3"/>	Northeast	<input type="text" value="3"/>	Transitional zone	<input type="text" value="1"/>	Southeast	<input type="text" value="3"/>	North Central
<input type="text" value="3"/>	Pacific N.W.	<input type="text" value="3"/>	Intermountain	<input type="text" value="1"/>	Southwest (CA., AZ.)		
<input type="text" value="3"/>	Other (Specify) _____						

3. MATURITY (At first anthesis): Give test area Adelphia, NJ

* <input type="text" value="5"/>	1 = Very early	2 = Early (Delta, Mystic)	3 = Medium early (Fylking, Nugget)
	4 = Medium late (Newport, Adelphi, Aquila)	5 = Late (Merion, Baron, Enmundi)	
	6 = Very late (Pacific)		

May 29, 1970 Date of First Anthesis

<input type="text" value="0"/>	<input type="text" value="9"/>	Number of days earlier than	* <input type="text" value="4"/>	}	1 = Nugget	2 = Fylking	3 = Delta
		Maturity same as	* <input type="text" value="4"/>		4 = Merion	5 = Newport	6 = Baron
		Number of days later than	* <input type="text" value="3"/>		7 = Mystic	8 = Sabre	9 = Reubens

4. PLANT HEIGHT (At maturity-Average of longest shoot of 10 plants from soil surface to top of panicle): Test area Adelphia, N.J.

* <input type="text" value="4"/>	1 = Short (Nugget)	2 = Medium short (Baron, Fylking, Mystic)						
	3 = Medium tall (Merion, Adelphi)	4 = Tall (Delta)						
	5 = Very tall							
* <input type="text" value="0"/>	<input type="text" value="7"/>	<input type="text" value="5"/>	cm Height (Table 4)					
<input type="text" value="0"/>	<input type="text" value="4"/>	cm Shorter than	* <input type="text" value="5"/>	}	1 = Nugget	2 = Fylking	3 = Delta	4 = Merion
		Height same as	* <input type="text" value="4"/>		5 = Newport	6 = Baron	7 = Mystic	8 = Sabre
<input type="text" value="3"/>	<input type="text" value="2"/>	cm Taller than	* <input type="text" value="1"/>		9 = Reubens			

## 5. GROWTH HABIT:

* <input type="text" value="2"/>	Habit: 1 = Prostrate (Nugget)	2 = Semi-prostrate (Merion)	3 = Erect (Delta)
----------------------------------	-------------------------------	-----------------------------	-------------------

<input type="text" value="0"/>	<input type="text" value="0"/>	<input type="text" value="0"/>	cm Amount of spread by rhizomes in 1 year (give test area _____)
--------------------------------	--------------------------------	--------------------------------	--

# 6. LEAF BLADE:

- ★ ☐ 3 Green Color: 1 = Light green (Mystic) 2 = Medium green (Fylking, Bonnieblue)  
3 = Moderately dk. green (Merion, Adelphi) 4 = Very dk. green (Nugget, Glade, Enmundi)
- ★ ☐ 1 Bluegreen color: 1 = Not bluegreen (Mystic, Touchdown, Parade) 2 = Moderately bluegreen (Merion, A-34)  
3 = Bluegreen (Nugget, Enmundi, Adelphi) 4 = Strongly bluegreen (Majestic)
- ☐ Winter color: 1 = Light green 2 = Dark green 3 = Light purple  
4 = Dark purple 5 = Not purple 6 = Not green or purple
- ★ ☐ 1 Hairs upper side: 1 = Absent (Nugget) 2 = Sparse (Merion) 3 = Dense (Park)
- ☐ 1 Hairs lower side: 1 = Absent (Fylking, Merion) 2 = Sparse 3 = Dense (Nugget)
- ☐ Luster upper side: 1 = Shiny (Eclipse, Enmundi) 2 = Dull (Aquila, Parade)
- ☐ Luster lower side: 1 = Shiny (Mystic, Enmundi) 2 = Dull (Barbie, Eclipse)
- ★ ☐ Margin hairs (Fringe on Margin or Base): 1 = Absent (Delta) 2 = Present (Fylking, Merion)
- ★ ☐ 3 Width: 1 = Very fine (Mystic) 2 = Fine (Nugget) 3 = Medium (Merion, Fylking)  
4 = Broad (Adelphi, Baron) 5 = Very broad (Monopoly)

☐ 0 ☐ 4 mm Width (flag leaf) (Table 5)

- |   |                  |                              |   |            |             |             |
|---|------------------|------------------------------|---|------------|-------------|-------------|
| <input type="checkbox"/> 0 <input type="checkbox"/> 1 | mm Narrower than | ★ <input type="checkbox"/> 5 | } | 1 = Nugget | 2 = Fylking | 3 = Delta   |
| <input type="checkbox"/> 0 <input type="checkbox"/> 1 | Width same as    | ★ <input type="checkbox"/> 2 |   | 4 = Merion | 5 = Newport | 6 = Baron   |
| <input type="checkbox"/> 0 <input type="checkbox"/> 1 | mm Wider than    | ★ <input type="checkbox"/> 3 |   | 7 = Mystic | 8 = Sabre   | 9 = Reubens |

☐ 0 ☐ 6 ☐ 0 mm Length (flag leaf) (Table 15)

- |   |                 |                              |   |            |             |             |
|---|-----------------|------------------------------|---|------------|-------------|-------------|
| <input type="checkbox"/> 1 <input type="checkbox"/> 7 | mm Shorter than | ★ <input type="checkbox"/> 5 | } | 1 = Nugget | 2 = Fylking | 3 = Delta   |
| <input type="checkbox"/> 1 <input type="checkbox"/> 7 | Length same as  | ★ <input type="checkbox"/> 1 |   | 4 = Merion | 5 = Newport | 6 = Baron   |
| <input type="checkbox"/> 2 <input type="checkbox"/> 2 | mm Longer than  | ★ <input type="checkbox"/> 1 |   | 7 = Mystic | 8 = Sabre   | 9 = Reubens |

☐ 0 Position of flag leaf (angle to stem): 1 = Appressed 2 = Open angle, yet stiff 3 = Nodding

# 7. LEAF SHEATH:

- ☐ mm sheath length
- ★ ☐ 1 Seedling Color (base of sheath): 1 = Green (Nugget, Merion) 2 = Red (Delta)
- ★ ☐ 2 Hairs on Margin: 1 = Absent (Fylking) 2 = Present (Nugget)
- ★ ☐ 1 Margin Roughness (to touch): 1 = Smooth (Delta) 2 = Rough (Sabre)
- ☐ 2 Hairs on Surface: 1 = Absent (Trenton) 2 = Present (Nugget)
- ☐ Surface Roughness (to touch): 1 = Smooth (Fylking) 2 = Rough (Ram I)
- ☐ Hairs on both sides just beneath leaf blade (under collar): 1 = Absent (Merion) 2 = Present (Nugget)
- ★ ☐ Hairs on Ligule: 1 = Absent (Fylking) 2 = Short (Baron) 3 = Long (Nugget)
- ☐ Glaucoity: 1 = Absent (Mystic, Enmundi) 2 = Present (Birka)
- ☐ Keel: 1 = Absent (Ram I) 2 = Present (Adelphi)



## 8. PANICLE (Mature Plant): (Table 1)

<input type="text" value="1"/>	<input type="text" value="1"/>	<input type="text" value="0"/>	mm Length (Lowest branch whorl to top, for 10 plants)	Test area: <u>Adelphia, New Jersey</u>
<input type="text" value="0"/>	<input type="text" value="1"/>	<input type="text" value="0"/>	mm Shorter than <input type="text" value="3"/>	1 = Nugget      2 = Fylking      3 = Delta 4 = Merion      5 = Newport      6 = Baron 7 = Mystic      8 = Sabre      9 = Reubens
<input type="text" value="0"/>	<input type="text" value="4"/>	<input type="text" value="3"/>	Panicle same as <input type="text" value="3"/>	
<input type="text" value="0"/>	<input type="text" value="4"/>	<input type="text" value="3"/>	mm Longer than <input type="text" value="1"/>	
★	<input type="text" value="1"/>		Color (at 50% flowering): 1 = Not red (Fylking)	2 = Red (Nugget)
★	<input type="text" value="2"/>		Shape of Rachis (opposite lower side branches):	1 = No bend (Nugget)      2 = Bend (Merion)
★	<input type="text" value="3"/>		Collar: 1 = Opened (Nugget)	2 = Closed (Merion)
	<input type="text" value="3"/>	<input type="text" value="3"/>	Branches Attitude (Lowest whorl):	1 = Drooping (America, Prato)      2 = Horizontal (Merion) 3 = Ascending (Tundra)
★	<input type="text" value="2"/>		Number of main branches in lowest whorl	
★	<input type="text" value="1"/>		Panicle Habit: 1 = Nodding (Newport)	2 = Upright (Nugget)
	<input type="text" value="1"/>		Panicle Type: 1 = Open	2 = Intermediate      3 = Compact
	<input type="text" value="1"/>		Anther color (anthesis): 1 = Purple	2 = Yellow      3 = Brown

## 9. LEMMA

★	<input type="text" value="3"/>	Keel	} 1 = Glabrous      2 = Slightly pubescent      3 = Pubescent
★	<input type="text" value="3"/>	Marginal Nerves	
	<input type="text" value="1"/>	Intermediate Nerves: 1 = Distinct	2 = Obscure
	<input type="text" value="1"/>	Basal Webbing: 1 = Absent	2 = Scant (Baron)      3 = Copious (Merion)

## 10. SEED: (Floret-not dehulled)

★	<input type="text" value="1"/>	Apomixis Percentage: 1 = more than 95	2 = 85 to 95	3 = less than 85
	<input type="text" value="1"/>	Phenol Reaction: 1 = none-lemma removed (Merion)	2 = Beige (Cougar)	3 = Brown (Windsor)
		4 = Black (Mystic-2 hrs)	5 = Black (	-24 hours)
	<input type="text" value="1"/>	mm. Width (average of 10)	<input type="text" value="1"/>	mm Length
	<input type="text" value="1"/>	Milligrams per 10,000 seed		
	<input type="text" value="1"/>	Milligrams less than <input type="text" value="1"/>	} 1 = Nugget      2 = Fylking      3 = Delta 4 = Merion      5 = Newport      6 = Baron 7 = Reubens      8 = Sabre	
	<input type="text" value="1"/>	Weight same as <input type="text" value="1"/>		
	<input type="text" value="1"/>	Milligrams more than <input type="text" value="1"/>		
★	<input type="text" value="1"/>	Weight Class (g per 10,000 seed):	1 = Light ( < 3g Sydsport, Merion) 2 = Medium ( 3g - 4g Adelphi, Parade) 3 = Heavy ( > 4g Fylking, Nugget)	

## 11. ENVIRONMENTAL RESISTANCE: (0 = Not tested; 1 = Very susceptible; 2 = Moderately susceptible; 3 = Moderately resistant; 4 = Highly resistant)

<input type="text" value="3"/>	Cool Temperature (Winter color) (Tables 8,9)	<input type="text" value="0"/>	Cold (injury)	<input type="text" value="3"/>	Heat	<input type="text" value="2"/>	Drought
<input type="text" value="0"/>	Shade	<input type="text" value="0"/>	Low Fertility	<input type="text" value="0"/>	Acid Soil (< pH 5.5)	<input type="text" value="0"/>	Alkalinity (pH > 7.5)
<input type="text" value="0"/>	Salinity	<input type="text" value="0"/>	Soil Compaction	<input type="text" value="0"/>	Poor Drainage	<input type="text" value="0"/>	Air Pollution
<input type="text" value="0"/>	Other (Specify) _____						

## 12. DISEASE RESISTANCE: (0 = Not tested, 1 = Very susceptible, 2 = Moderately susceptible, 3 = Moderately resistant, 4 = Highly Resistant)

★	<input type="text" value="3"/>	Melting-Out <u>Drechslera poae</u> (Helminthosporium vagans) (Tables 7,10,11)	<input type="text" value="0"/>	Sclerotinia Patch <u>S. borealis</u>
★	<input type="text" value="3"/>	Helminthosporium Leaf Spot <u>Bipolaris sorokiniana</u>	<input type="text" value="4"/>	Stem Rust <u>Puccinia graminis</u> (Table 12)
	<input type="text" value="3"/>	Brown Patch <u>Rhizoctonia solani</u>	<input type="text" value="0"/>	Stripe Rust <u>P. striiformis</u>
	<input type="text" value="3"/>	Powdery Mildew <u>Erysiphe graminis</u> (Tables 12,13)	<input type="text" value="3"/>	Leaf Rust <u>P. poae-nemoralis</u> (Tables 12,14)
★	<input type="text" value="4"/>	Stripe Smut <u>Ustilago striiformis</u> (Tables 8,9,12)	<input type="text" value="0"/>	Orange Stripe Rust <u>P. poarum</u>

## 12. DISEASE RESISTANCE (Continued)

<div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">4</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">3</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">3</div>	Flag Smut <u>Urocystis agropyri</u> Pink Snow Mold <u>Fusarium nivale</u> (Table 7) Ergot <u>Claviceps purpurea</u> ★ Fusarium Blight <u>Fusarium roseum, F. tricinctum</u> Typhula Blight <u>Typhula</u> spp. Dollar Spot <u>Sclerotinia homoeocarpa</u> (Table 11)	<div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">3</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">4</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div>	Pythium Blight <u>Pythium</u> spp. Red Thread <u>Corticium fuciforme</u> (Table 11) Other _____ Other _____
---	---	---	--

## 13. INSECTS, NEMATODES, RESISTANCE: (0 = Not tested; 1 = Very susceptible; 2 = Moderately susceptible; 3 = Moderately resistant; 4 = Highly resistant)

<div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div> <div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center;">0</div>	Chinch Bug <u>Blissus</u> spp. (give species: _____) Sod Webworm <u>Crambus</u> spp. (give species: _____) Bluegrass Billbug <u>Sphenophorus parvulus</u> _____ White Grub (Japanese Beetle, Chafer. (give species: _____) Greenbug Aphid <u>Schizaphis graminum</u> Other _____ Other _____
--	--

## 14. Give variety or varieties that most closely resemble the application variety. For the following characteristics indicate Degree of Resemblance by placing in the column marked D.R., one of the following numbers: 1 = Application variety is less than comparison variety; 2 = Same as; 3 = More than, better, greater, darker, more disease resistant, etc.

CHARACTER	VARIETY	D.R.	CHARACTER	VARIETY	D.R.
Maturity-heading	Trenton	2	Leaf width	Trenton	2
Height	Trenton	2	Leaf color spring	Trenton	2
Seed size			Leaf color summer	Trenron	2
Seed weight			Leaf color winter	Trenton	2
Cold injury	Trenton	2	Drought		
Heat	Trenton	2	Disease ★ ★		
Shade			Leaf Rust	Trenton	2

★★ Specify each disease evaluated.

## 15. ADDITIONAL DESCRIPTION:

Describe all characteristics and conditions that cannot be adequately described in this form in Exhibit D.

Table 1. AVERAGE PANICLE LENGTH OF KENTUCKY BLUEGRASS  
CULTIVARS, ADELPHIA, NEW JERSEY, 1970.<sup>1</sup>

CULTIVAR	PANICLE LENGTH
	mm
Nugget	67
Trenton	92
Merion	102
Newport	105
Georgetown	110
Fylking	118
Delta	120

<sup>1</sup> Average of 3 plants in each of 2 replicates, 20 panicles per plant.

Table 2. PRESENCE OF HAIR ON THE LEAF SHEATH OF KENTUCKY  
BLUEGRASS CULTIVARS, ADELPHIA, NEW JERSEY, 1970.

CULTIVAR	HAIR ON LEAF SHEATH
	——1 = present——
Trenton	0
Georgetown	1.0

Table 3. PRESENCE OF HAIR ON THE MARGIN OF THE LEAF  
SHEATH OF KENTUCKY BLUEGRASS CULTIVARS,  
ADELPHIA, NEW JERSEY, 1970.

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CULTIVAR	HAIR ON MARGIN OF LEAF SHEATH
	_____1 = present_____
Trenton	0
Georgetown	1

---

Table 4. AVERAGE PLANT HEIGHT OF KENTUCKY BLUEGRASS  
CULTIVARS, ADELPHIA, NEW JERSEY, 1970.<sup>1</sup>

CULTIVAR	PLANT HEIGHT
	cm
Nugget	43
Fylking	60
Merion	70
Delta	73
Trenton	75
Georgetown	75
Newport	79

<sup>1</sup>Average of 5 plants in each of 2 replicates.

Table 5. AVERAGE LEAF WIDTH OF KENTUCKY BLUEGRASS  
CULTIVARS, ADELPHIA, NEW JERSEY, 1970.<sup>1</sup>

CULTIVAR	LEAF WIDTH
	mm
Delta	2.6
Nugget	3.0
Georgetown	3.7
Trenton	3.9
Fylking	4.0
Merion	4.3
Newport	4.8

<sup>1</sup> Average of 3 plants in each of 2 replicates, 20 leaves per plant.

Table 6. AVERAGE NUMBER OF PANICLES PER PLANT OF KENTUCKY  
BLUEGRASS CULTIVARS, ADELPHIA, NEW JERSEY, 1970.<sup>1</sup>

CULTIVAR	NUMBER OF PANICLES
Nugget	140
Fylking	164
Delta	196
Trenton	201
Newport	246
Georgetown	249
Merion	280

<sup>1</sup> Average of 2 replicates, 3 plants each.



Table 10. Reaction of Kentucky bluegrass varieties to Helminthosporium vagans in New Jersey under turf maintenance.  
0 = best resistance.

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<u>Good Resistance</u>			
Nugget	0.8	Birka	1.2
Warren's A-20	1.0	Adelphi	1.3
Touchdown	1.0	Columbia	1.4
Enmundi	1.0	Georgetown	1.4
Merion	1.0	Parade	1.4
Bonnieblue	1.0	Trenton	1.4
Eclipse	1.0	Rubgy	1.4
Bristol	1.0	Warren's A-34	1.5
Majestic	1.1	Sydsport	1.5
Pennstar	1.2	Brunswick	1.7
Fylking	1.2		

<u>Moderate Resistance</u>			
Victa	2.5	Merit	2.9
Baron	2.5	Vantage	3.0
Cheri	2.7	Windsor	3.5
Plush	2.7	Aquilla	3.5
Glade	2.9	RAM I	3.8
		Senic	3.8

<u>Moderate Susceptibility</u>			
Newport	5.0	Prato	5.6
Cougar	5.2	Delft	5.7

<u>High Susceptibility</u>			
Primo	6.5	Geary	7.5
Delta	7.0	S-21	7.5
S-21	7.3	Kenblue	7.5
Park	7.5	Nu Dwarf	7.5
Arboretum	7.5	Common (South Dakota)	7.7
Palouse	7.5	Troy	9.0

---

## 1968 Northeast Regional Kentucky Bluegrass Trial

Table 11. Mean and rank for Kentucky bluegrass disease resistance ratings (9 = no disease) for spring leaf spot (April, May, June), summer leaf spot (July, August, September), dollar spot, and red thread

Entry	Leaf Spot		Leaf Spot		Dollar Spot		Red Thread	
	Spring		Summer					
	Mean	Rank	Mean	Rank	Mean	Rank	Mean	Rank
A-20	8.4	1	6.8	24	7.3	6	6.5	31
NJE P-56	8.2	2	8.0	1	6.6	30	8.0	7
Nugget	8.2	2	7.1	17	3.9	43*	2.0	40
Adelphi	7.9	4	7.1	17	7.2	9	8.0	7
NJE P-114	7.9	4	7.3	15	7.0	20	5.0	39
NJE P-35	7.8	6	7.4	14	7.6	2	9.0	1
Sodco	7.8	6	8.0	1	7.2	9	8.0	7
NJE P-5	7.7	8	7.6	8	7.2	9	8.0	7
Fylking	7.6	9	7.6	8	6.8	27	7.0	27
Sydsport	7.6	9	7.9	4	5.9	37	8.0	7
Pennstar	7.5	11	7.5	13	6.5	34	7.3	26
Birka	7.5	11	7.7	5	7.0	20	7.0	27
WK-412	7.5	11	6.8	24	6.7	28	7.0	27
A-34	7.4	14	7.6	8	6.7	28	8.0	7
Georgetown	7.4	14	7.6	8	7.1	16	9.0	1
Trenton	7.4	14	5.8	39	6.8	26	8.0	7
Merion	7.2	17	8.0	1	5.8	38	6.0	35
PSU K-128	7.2	17	3.0	43	7.3	6	8.0	7
PSU K-107	7.1	18	7.7	5	6.5	34	7.5	23
Zwartberg	6.7	19	6.5	31	7.0	20	8.2	5
Vantage	6.6	20	7.6	8	7.3	6	6.5	31
Primo	6.4	21	7.0	20	7.2	9	7.7	20
Belturf	6.2	22	7.7	5	7.2	9	6.5	31
K8-144	6.1	23	6.6	28	5.4	40	..	..
PSU K-162	6.0	24	6.4	32	8.0	1	8.2	5
K8-146	6.0	24	6.8	24	5.4	40	..	..
Newport	5.9	26	7.2	16	7.2	9	9.0	1
Campus	5.8	27	6.0	36*	5.6	39	8.0	7
Aquila	5.6	28	6.7	27	5.1	42	..	..
Arista	5.6	28	7.1	17	6.6	30*	7.5	23
Windsor	5.4	30	7.0	20	6.6	30	5.5	37
Cougar	5.3	31	7.0	20*	6.6	30	8.0	7
Prato	5.1	32*	6.9	23	7.0	20	6.0	35
Park	4.9	33*	5.9	38	7.4	5	7.5	23
Delta	4.8	34	5.1	41	6.0	36*	7.7	20
S-21	4.8	34	5.6	40	7.2	9	8.3	4
WK-408	4.8	34	6.6	28*	7.1	16	6.5	31
Minnesota 6	4.6	37	6.9	23	7.5	4	8.0	7
Palouse	4.6	37*	6.3	35*	7.6	2	7.7	20
A-10	4.3	39*	5.0	42	7.0	20	6.7	30
Geary	4.3	39*	6.4	32	7.1	16	8.0	7
Kenblue	3.8	41*	6.4	32*	6.9	25	8.0	7
S. Dak. Certified	3.8	41*	6.0	36*	7.1	16	5.5	37
No. of Locations								
Reporting:	9		4		4		1	

\* Indicates poorest resistance at one or more locations.

EXHIBIT D  
ADDITIONAL DESCRIPTION  
GEORGETOWN KENTUCKY BLUEGRASS  
BREEDER BLOCK, TILMA IDAHO

8200187

Color - medium dark green

Rhizomes - vigorously rhizomatous

Date of anthesis - June 10, anthesis completed, June 23

Stems - no pubescence

Flag leaf - no pubescence

Collar - pubescent

Florets, green with purple tips on lemma

**Panicle:**

- base collar closed, slight crook at lowest whirl
- rachilla barbed
- rachis glabrous
- lowest whirl branches angled slightly upward, tips nodding
- rachis straight upright

**Collar and sheath:**

- hairs on sheath margins
- sparsely hairy on collar margins
- collar narrow, less than 1mm wide

**Ligule:**

- truncate
- margins serrated
- minute cilia on back

**Leaf:**

- margins slightly barbed
- upper surface rough but hairless
- lower surface rough, hairless, strongly ridged
- keel barbed

**Spikelets:**

- 4-5 florets per spikelet (5th floret often rudimentary)
- lemma 3-veined, intermittent purplish between hyaline margins and body, margin heavily pubescent at lower 1/3, center keel pubescent
- anthers with purple margins prior to dehiscence

Flag leaf strongly appressed prior to and during anthesis

Stems dark-veined, veins paired with white, slightly raised dots

**FILED**

**JAN 14 1998**

**LONNA R. HOOKS  
SECRETARY OF STATE**

**CERTIFICATE OF MERGER OF  
LOFTS SEED, INC. INTO  
LOFTS MERGERCO, INC.**

To: The Secretary of State  
State of New Jersey

Pursuant to the provisions of Section 14A:10-7 Corporations, General, of the New Jersey Statutes, the undersigned corporations hereby execute the following Certificate of Merger.

**ARTICLE ONE**

The names of the corporations proposing to merge and the states under the laws of which such corporations are organized, are as follows:

<u>Name of Corporation</u>	<u>State of Incorporation</u>
Lofts Seed, Inc.	New Jersey
Lofts Mergerco, Inc.	Nevada

**ARTICLE TWO**

The laws of the State of Nevada, the state under which such foreign corporation is organized, permit such merger and the applicable provisions of the laws of said jurisdiction have been, or upon compliance with filing and recording requirements will have been, complied with.

**ARTICLE THREE**

The name of the surviving corporation shall be Lofts Mergerco, Inc. and it shall be governed by the laws of the State of Nevada.

The address of the surviving corporation's registered office is 2700 Sunset Rd., Las Vegas, Nevada 89120 and the name of the registered agent at such address is Johnny Thomas.

**ARTICLE FOUR**

The following plan of Merger was approved by the shareholders of the undersigned domestic corporation in the manner prescribed by the New Jersey Business Corporation Act, and was approved by the undersigned foreign corporation in the manner prescribed by the laws of the State under which it is organized:

0100731429

**FILED**  
IN THE OFFICE OF THE  
SECRETARY OF STATE OF THE  
STATE OF NEVADA

**JAN 26 1998**

*226394-92*

*Jan Hill*  
JAN HILL, SECRETARY OF STATE

## CERTIFICATE OF AMENDMENT OF

### ARTICLES OF INCORPORATION OF

LOFTS MERGERCO, INC.

Pursuant to the provisions of Nevada Revised Statutes, Title 7, Chapter 78, the undersigned officers do hereby certify:

**FIRST:** The name of the Corporation is Loftis Mergerco, Inc.

**SECOND:** The Board of Directors of the Corporation duly adopted the following resolutions on January 12, 1998:

**RESOLVED**, that it is advisable in the judgment of the Board of Directors of the Corporation that the name of the Corporation be changed, and that, in order to accomplish the same, Article **FIRST** of the Articles of Incorporation be amended to read as follows:

**"FIRST:** The name of the corporation (hereinafter called the Corporation) is Loftis Seed Company, Inc."

**FURTHER RESOLVED**, that a special meeting of the sole stockholder having voting power be and it is hereby called and that notice be given in the manner prescribed by the By-laws of the Corporation and by Nevada Revised Statutes, Title 7, Chapter 78, unless the said stockholder shall waive the notice of meeting in writing or unless the said stockholder shall dispense with the holding of a meeting and shall take action upon the proposed amendment by a consent in writing signed by the sole stockholder, and

**FURTHER RESOLVED**, that in the event that the said stockholder shall adopt the aforesaid proposed amendment by a vote in favor thereof by at least a majority of the voting power or by a written consent in favor thereof signed by the sole stockholder without a meeting, the Corporation is hereby authorized to make by the hands of its President or a Vice President and by its Secretary or an Assistant Secretary a certificate setting forth the said amendment and to cause the same to be filed pursuant to the provisions of Nevada Revised Statutes, Title 7, Chapter 78.



NOV 29 1999

No.

*C 7946-89*

*Dean Heller*

DEAN HELLER, SECRETARY OF STATE

ARTICLES OF MERGER  
OF  
LOFTS SEED COMPANY, INC.  
INTO  
AGRIBIOTECH, INC.

Pursuant to the provisions of N.S.R. § 92A.180 and N.R.S. § 92A.200, AgriBioTech, Inc., a Nevada corporation, hereby submits these Articles of Merger for the purpose of merging Lofts Seed Company, Inc., a Nevada corporation and wholly-owned subsidiary of AgriBioTech, Inc., into AgriBioTech, Inc.

ARTICLE I.

Corporations Proposing to Merge and Surviving Corporation

The name of the merging corporation is Lofts Seed Company, Inc., a Nevada corporation (hereinafter called the "Subsidiary Corporation"); and the name of the corporation which shall be the surviving corporation is AgriBioTech, Inc., a Nevada corporation (hereinafter called the "Parent Corporation").

ARTICLE II.

Adoption of Plan of Merger

The Plan of Merger set forth in Article IV was duly adopted by the Parent Corporation and the Subsidiary Corporation.

ARTICLE III.

Approval by Shareholders

Pursuant to N.R.S. § 92A.180, neither the approval of the Shareholders of the Parent Corporation, nor the approval of the Shareholders of the Subsidiary Corporation was required.

ARTICLE IV.

Plan of Merger

The following Plan of Merger was duly approved on November 15, 1999, in the manner prescribed by law with respect to each of the corporations participating in the Merger:

Section 1. Corporations Proposing to Merge and Surviving Corporation. The name of the merging corporation is Lofts Seed Company, Inc., a Nevada corporation (hereinafter called the "Subsidiary Corporation"); and the name of the corporation which shall be the surviving corporation is AgriBioTech, Inc., a Nevada corporation (hereinafter called the "Parent Corporation").

Section 2. Effective Time of Merger. The effective time of the merger shall be November 29, 1999 at 11:59 p.m. E.S.T. (the "Effective Time").

Section 3. Effects of Merger. The Merger shall have the effects set forth in N.R.S. § 92A.250.

Section 4. Conversion of Shares. Each share of capital stock of the Subsidiary Corporation issued and outstanding at the Effective Time shall, as of the Effective Time, by virtue of the Merger and without any action on the part of the holder thereof, be canceled and extinguished without consideration given therefor. The shares of capital stock of the Surviving Corporation shall continue to be outstanding without change.

Section 5. Articles of Incorporation and Bylaws. The Articles of Incorporation and the Bylaws of the Surviving Corporation as in effect immediately prior to the Effective Time shall become the Articles of Incorporation and Bylaws of the Surviving Corporation following the Effective Time until changed in accordance with their terms and applicable law.


*[Signature page to follow]*



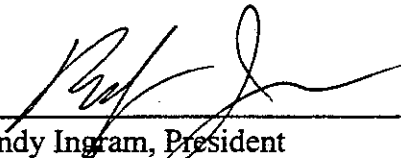
This the 15<sup>th</sup> day of November, 1999.

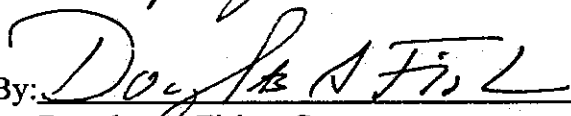
AGRIBIOTECH, INC., a Nevada corporation

By:   
Randy Ingram, Executive Vice President

By:   
Douglas A. Fisher, Secretary

LOFTS SEED COMPANY, INC., a Nevada corporation

By:   
Randy Ingram, President

By:   
Douglas A. Fisher, Secretary

RECORDATION FORM COVER SHEET  
PVP CERTIFICATES ONLY

To the Acting Commissioner of the Plant Variety Protection Office. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**LOFTS SEED COMPANY, INC.**

- ☐ Individual(s) ☐ Association  
☐ General Partnership ☐ Limited Partnership  
☒ Corporation - State Nevada  
☐ Other \_\_\_\_\_

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☐ Assignment ☐ Merger  
☒ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: June 23, 1998

2. Name and address of receiving party(ies):

Name: **BANKAMERICA BUSINESS CREDIT, INC.**

Street Address: 55 South Lake Avenue, Suite 900

City: Pasadena State: California

ZIP: 91101

- ☐ Individual(s) citizenship \_\_\_\_\_  
☐ Association \_\_\_\_\_  
☐ General Partnership \_\_\_\_\_  
☐ Limited Partnership \_\_\_\_\_  
☒ Corporation-State Delaware  
☐ Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached: ☐ Yes ☒ No  
(Designation must be a separate document from Assignment)  
Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. PVP certificate identifying information:

A. PVP No.:

**8200187**

B. Date certificate issued or application filed:

**07/21/83**

C. Variety:

**"GEORGETOWN" Bluegrass, kentucky**

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Tamsen Valoir  
Jenkins & Gilchrist  
Internal Address: \_\_\_\_\_

Street Address: 1445 Ross Avenue,  
Suite 3200

City: Dallas State: Texas Zip: 75202-2799

6. Total number of PVP applications or certificates involved: 1

7. Total fee (37 CFR 3.41): \$ 25.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account.

8. Deposit Account number: \_\_\_\_\_

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

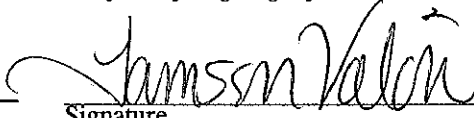
9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Tamsen Valoir

Name of Person Signing

Signature



June 30, 1998

Date

Total number of pages comprising cover sheet:

1

## **PVP CERTIFICATE ASSIGNMENT**

**WHEREAS**, LOFTS SEED COMPANY, INC., a Nevada corporation ("Assignor"), having a business address of 191 Budd Blvd., Winston Salem, NC 27114, is the owner of the pending or issued Plant Protection Act (PVP) certificate(s) listed below; and

**WHEREAS**, BankAmerica Business Credit, Inc., a Delaware corporation, having an office at 55 South Lake Avenue, Suite 900, Pasadena, California 91101 as "Agent" for the "Lenders" as defined and described in the Loan and Security Agreement dated as of June 23, 1998 ("Assignee"), is desirous of acquiring a SECURITY INTEREST in such PVP certificate(s);

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, said Assignor does hereby sell, assign, transfer and set over unto the said Assignee a SECURITY INTEREST in, to, and under the PVP certificate(s):

No. 9600256 Pending  
No. 9200256 Issued  
No. 9500090 Pending  
No. 9600228 Pending  
No. 9600277 Pending  
No. 8100157 Issued  
No. 8200187 Issued  
No. 8800230 Issued  
No. 9500238 Pending  
No. 8900288 Issued  
No. 9300200 Pending  
No. 9500129 Pending  
No. 8000153 Issued  
No. 8200175 Issued  
No. 8700195 Issued  
No. 8800235 Issued  
No. 9000240 Issued  
No. 9200209 Pending  
No. 9200210 Pending  
No. 9200211 Pending  
No. 9200212 Pending  
No. 8200177 Issued  
No. 8200178 Issued  
No. 8400148 Issued  
No. 8200168 Issued  
No. 9100254 Issued  
No. 9500128 Issued

LOFTS SEED COMPANY, INC.

By: \_\_\_\_\_

Printed Name: Henry A. Ingalls

Title: Vice President

STATE OF TEXAS

§

§

COUNTY OF DALLAS

§

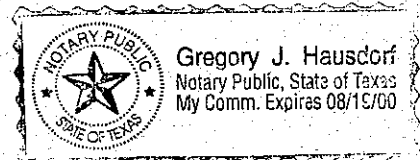
Henry A. Ingalls, Vice President, of LOFTS SEED COMPANY, INC., personally appeared before me, and being first duly sworn declared that he signed the security agreement in the capacity designated, and further states that he has read the above security agreement, and the statements therein contained are true.

SUBSCRIBED AND SWORN TO before me this 23 day of June, 1998.

\_\_\_\_\_  
Notary Public in and for the State of Texas

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Printed Name



UNITED STATES DEPARTMENT OF AGRICULTURE  
PLANT VARIETY PROTECTION OFFICE

CERTIFICATE OF MAILING

BOX ASSIGNMENT

Acting Commissioner of the Plant Variety Protection Office  
Plant Variety Protection Office  
10301 Baltimore Blvd.  
Beltsville, MD 20705-2351.

Dear Sir:

I hereby certify that this correspondence,

74 Cover sheets

74 Assignments

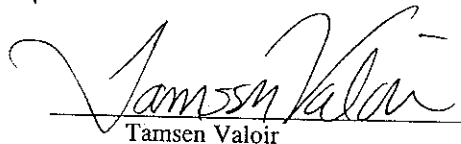
Check in the amount of \$1,850.00 (74 x \$25.00)

74 Return postcards

for the attached (in Exhibit A) PVP certificate numbers are being deposited with the  
United States Postal Service as Express Mail, mailing label number EE507465254US, postage  
prepaid, in an envelope addressed to:

BOX ASSIGNMENT

Acting Commissioner of the Plant Variety Protection Office  
Plant Variety Protection Office  
10301 Baltimore Blvd.  
Beltsville, MD 20705-2351.

  
Tamsen Valoir

Date: July 1, 1998

PHOU:15412.1 20992-00039

**Jenkins & Gilchrist**

A PROFESSIONAL CORPORATION  
1100 LOUISIANA STREET, SUITE 1800  
HOUSTON, TEXAS 77002

TEXAS COMMERCE BANK, N.A.  
301 W. BEAUREGARD  
SAN ANGELO, TEXAS 76903

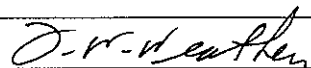
903870

DATE	AMOUNT
July 1, 1998	*\$1,850.00*

AY \*One Thousand Fifty Dollars and 00 Cents\*

TO THE  
ORDER  
OF

U. S. Department Of Agriculture  
Plant Variety Protection Office

  
TWO SIGNATURES REQUIRED OVER \$2500  
VOID AFTER 180 DAYS  
NOT VALID FOR OVER \$5000

⑈0903870⑈ ⑆111300880⑆ ⑈06300009654⑈

**SECURITY AGREEMENT  
AGRICULTURAL INTELLECTUAL PROPERTY COLLATERAL  
(Plant Variety Protection Act Certificates)**

STATE OF )  
 ) SS.:  
COUNTY OF )

WHEREAS, LOFTS SEED INC., a New Jersey corporation (the "Company"), is the listed owner of certain plant variety protection applications and certificates issued by the United States Department of Agriculture Plant Variety Protection Office (the "PVPO") all of which are as of this date as set forth on Schedule A (the "PVPs"), and

WHEREAS, the Company is the sole owner of the entire right, title and interest in and to the PVPs except as otherwise indicated in Schedule A and

WHEREAS, the Company has entered into a Loan and Security Agreement, dated on or about the date hereof (the "Loan Agreement"), between the Company as borrower and Branch Banking and Trust Company (the "Lender"), pursuant to which the Lender has, on the date hereof, made certain loans and other financial accommodations to the Company and may, from time to time hereafter, make additional loans to the Company, and

WHEREAS, pursuant to the Loan Agreement, the Company has agreed to grant to the Lender a continuing security interest in, and a continuing lien on, all of the Company's right, title and interest in and to the following (collectively the "Agricultural Intellectual Property Collateral"),

(a) the PVPs, and

(b) all proceeds thereof to which the Company is entitled, including, but not limited to, any claims and demands arising out of any infringement of the PVPs, including the right to settle disputes concerning such claims and demands,

to secure the payment and performance of the Obligations and Other Obligations (as defined in the Loan Agreement).

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Company does hereby grant to the Lender a continuing security interest in, and a continuing lien on, the Company's rights in the Agricultural Intellectual Property Collateral as security for the payment and performance of the Secured Obligations.

The Company hereby appoints Lender with full power of substitution, to file and record this Security Agreement in the PVPO, to transact all business in the PVPO, to receive any confirmatory documents relating thereto, and to take any and all action before the PVPO to give effect to this Agreement and to the Loan Agreement referred to herein.

The Company hereby further acknowledges and affirms that the rights and remedies of the Lender with respect to the security interest in and lien upon the Company's rights in the Agricultural Intellectual Property Collateral made and granted hereby are more fully set forth in the Loan Agreement, the terms and provisions of which are hereby incorporated herein by reference as if fully set forth herein.

Further, by this Security Agreement, the Company agrees to assign to Lender, upon the occurrence of an Event of Default by the Company (as defined in the Loan Agreement), all of the Company's rights in and to the Agricultural Intellectual Property Collateral; provided that this assignment is expressly contingent upon the occurrence of an Event of Default.

This Security Agreement will become effective June 28, 1996 at the Effective Time of the Merger of Budd Acquisition, Inc., a New Jersey corporation, with and into Lofts Seed Inc., a New Jersey corporation, as provided in a Certificate of Merger to be filed with the New Jersey Secretary of State's office.

IN WITNESS WHEREOF, the Company has caused this Security Agreement to be duly executed by its authorized officer or agent as of June 28, 1996.

LOFTS SEED INC.

[Corporate Seal]

By: Richard P. Budd

Name:

Title: CEO

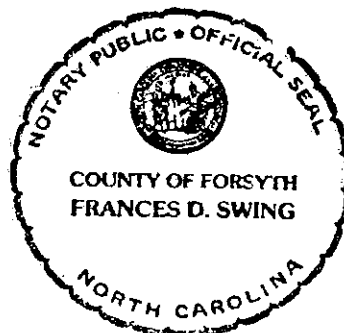
On JUNE 28 1996, RICHARD P. BUDD personally came before me, FRANCES D. SWING, a Notary Public for said County and State, RICHARD P. BUDD who being by me duly sworn, says that he is CEO of Lofts Seed Inc., and that said writing was signed and sealed by him on behalf of said corporation by its authority duly given. The said RICHARD P. BUDD acknowledged the said writing to be the act and deed of the corporation.

WITNESS my hand and notarial seal.

Frances D. Swing  
Notary Public

My Commission Expires: 2-9-97

Dated this 28<sup>th</sup> day of June 1996.



**SCHEDULE A**  
**AGRICULTURAL INTELLECTUAL PROPERTY COLLATERAL**  
**(CERTIFICATES OF PLANT VARIETY PROTECTION)**

**A. KENTUCKY BLUEGRASS**

VARIETY NAME	NUMBER	DATE APPLIED	DATE ISSUED	EXPIRES
Princeton P105	9600228	4-22-96	Pending	
Eagleton	9600277	6-11-96	Pending	
Preakness	9500090	2-13-95	Pending	
Mystic	8100157	8-26-81	5-27-82	5-27-00
Georgetown	8200187	1982	7-24-83	7-21-01
Lofts 1757	8800230	1988	9-30-92	9-30-10
Laser (Rough Bluegrass)	8900288	1989	10-31-91	10-31-09
Co-owned PVPs				
243 (Nassau)*	8400005	1983	12-21-84	12-21-02
Suffolk*	8800072	1988	5-31-88	5-31-06
Ram I**	7800069	1978	3-15-79	3-15-96

\* Jacklin Seed Company listed as co-owner

\*\* Mrs. Barbara B. Curtis listed as co-owner

**B. PERENNIAL RYEGRASS**

VARIETY NAME	NUMBER	DATE APPLIED	DATE ISSUED	EXPIRES
Palmer	8200178	9-8-82	5-31-84	5-31-02
Palmer II	9200209	6-16-92	Pending	
Prelude	8200177	9-8-82	5-31-84	5-31-02
Prelude II	9200210	6-16-92	Pending	
Yorktown III	9200212	6-16-92	Pending	



VARIETY NAME	NUMBER	DATE APPLIED	DATE ISSUED	EXPIRES
Repell	8400148	8-30-84	11-29-85	11-29-03
Yorktown II	7800001	10-6-77	5-1-80	5-1-97
Repell II	9200211	6-16-92	Pending	

**C. TALL FESCUE**

VARIETY NAME	NUMBER	DATE APPLIED	DATE ISSUED	EXPIRES
Rebel	8000153	8-21-80	5-14-81	5-14-99
Rebel III	9500129	4-10-95	Pending	
Rebel Jr.	9000240	1990	11-30-92	11-30-10
Rebel 3D	9300200	4-21-93	Pending	
Tribute	8800235	9-15-88	2-28-90	2-28-08
Clemfine	8200175	9-7-82	2-28-83	2-28-01
Rebel II	8700195	1987	1-15-88	1-15-06

**D. FINE FESCUE**

VARIETY NAME	NUMBER	DATE APPLIED	DATE ISSUED	EXPIRES
Reliant	8200168	1982	2-28-83	2-28-01
Jamestown II	9100254	1991	8-31-95	8-31-15

**E. BENTGRASS**

VARIETY NAME	NUMBER	DATE APPLIED	DATE ISSUED	EXPIRES
L93	9600256	5-8-96	Pending	
Southshore	9200256	1992	10-31-94	10-31-12

**F. OTHER**

VARIETY NAME	NUMBER	DATE APPLIED	DATE ISSUED	EXPIRES
Salty (weeping alkaligrass)	9500128	4-10-95	Pending	
Laser II (rough bluegrass)	9500238	6-15-95	Pending	